

MATTER OF ORTEGA

In Exclusion Proceedings

A-19173112

Decided by Board August 19, 1970

Notwithstanding presentation of a third preference immigrant visa supported by a labor certification based upon a B.S. degree in animal husbandry, an alien who upon arrival in the United States had no intention of working in the field of animal husbandry, or reasonable prospects of doing so, is excludable under section 212(a) (14) of the Immigration and Nationality Act, as amended, for lack of a valid labor certification.

EXCLUDABLE: Act of 1952—Section 212(a) (14) [8 U.S.C. 1182]—Immigrant, no valid labor certification.

ON BEHALF OF APPLICANT:
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(Brief submitted)

ON BEHALF OF SERVICE:
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(Brief filed)

The record relates to a 30-year-old single male alien, a native and national of the Republic of the Philippines, who applied for admission into the United States for permanent residence on April 5, 1969. He presented an immigrant visa supported by a certification from the Secretary of Labor. The latter document showed that the applicant was destined to the United States for employment as an animal scientist; that there were not sufficient such United States workers available; and that his employment in said field would not adversely affect the wages and working conditions of workers in the United States similarly employed.

The applicant told the examining immigration officer that he had no intention of working in the field of animal husbandry, but intended to work as a real estate salesman. Accordingly, his case was referred for an exclusion hearing before a special inquiry officer who, on April 16, 1969, ordered him excluded and deported from the United States on the above-stated ground.